

TOWN OF PATTERSON
PLANNING BOARD MEETING
April 1, 2004
AGENDA & MINUTES

APPROVED
 5/16/04 MAB

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Shawn Rogan
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**TOWN OF PATTERSON
PLANNING & ZONING OFFICE**

**Planning Board
April 1, 2004 Meeting Minutes**

Held at the Patterson Town Hall
1142 Route 311
Patterson, NY 12563

APPROVED
5/16/04 mab

Present were: Chairman Herb Schech, Board Member Mike Montesano, Board Member Dave Pierro, Board Member Shawn Rogan, Board Member Maria Di Salvo, Rich Williams, Town Planner, Gene Richards, Town Engineer, Craig Bumgarner, Town Attorney and Ted Kozlowski, ECI .

Meeting called to order at 7:32 p.m.

There were approximately 19 audience members.

1) KOZLOWSKI WETLANDS/WATERCOURSE PERMIT – Public Hearing

The Secretary read the legal notice.

Mr. Ted Kozlowski was present represent.

Mr. Kozlowski stated this is a copy that I gave to the ZBA last night. My immediate neighbor to the right he could not be here tonight. He is away and he wanted you to have this letter. I live on Big Elm Road which is in the southern part of Town of Patterson about two miles north of the Brewster High School. I have lived there since 1982 and we are in a R-4 now, 4 acres zoning. We own two and a quarter acres approximately. The house is non-conforming. Everything on the site because of the stream back here is non-conforming. The house pre-dates zoning. The stream in question and that is what it is. It is not a wetland. It is a stream. It is an unclassified 'B' stream as per DEC. It connects State Wetland BR-7, the State Wetland BR-8 which is on either end of Big Elm Road. The project that we want to undertake is the demolishing of an existing barn which is approximately twenty-five feet from the edge of the stream. Most of our macadam drive we are pulling that up, replace that with extensive landscaping and a thirteen by twenty fiberglass pool. In addition to that I have a pergola and a new barn, new one car garage, barn which is about eighty feet from the stream. The trade-off's are we are going to get rid of a barn and impervious surface in exchange for a pool and a new barn which is further away from the stream. I don't anticipate any impacts. All the erosion controls will be in place. Prior to that, what the map shows is existing conditions here and what will happen hopefully after I get my permit. Every bit of the front parcel here is within the one hundred foot wetland buffer except for the extreme southwestern corner of the property and that is where we are going to try and fit the barn in although some of that barn will be within that wetland buffer. Last night I received ZBA approval for the zoning variance.

Chairman Schech asked is there any comments from the audience. There were no comments.

Board Member Montesano made a motion in the matter of Kozlowski Wetlands Watercourse Application that the Planning Board closes the public hearing. Board Member Di Salvo seconded the motion.

Chairman Schech asked all in favor:

Board Member Montesano	-	aye
Board Member Pierro	-	aye
Board Member Rogan	-	aye
Board Member Di Salvo	-	aye
Chairman Schech	-	aye

All in favor and motion carried by a vote of 5 to 0.

Board Member Pierro made a motion in the matter of Kozlowski Wetlands Watercourse Application that the Planning Board issues a negative declaration under SEQRA and approve the Wetlands Watercourse Permit with the three general conditions in the resolution dated April 1, 2004. Board Member Montesano seconded the motion.

Chairman Schech asked all in favor:

Board Member Montesano	-	aye
Board Member Pierro	-	aye
Board Member Rogan	-	aye
Board Member Di Salvo	-	aye
Chairman Schech	-	aye

All in favor and motion carried by a vote of 5 to 0.

Mr. Kozlowski thanked the Board.

2) NOBLET SUBDIVISION

Mr. Steve Miller, Badey & Watson and Mr. Noblet were present.

Chairman Schech asked so how did we make out with our Mortgagee.

Mr. Noblet replied that is her position. We were waiting for a response from the Highway to find out about this or not right.

Rich Williams replied we have not yet received any comments from the Highway Superintendent.

Chairman Schech stated and we decided to do it on our own and that we do want a hundred foot radius.

Board Member Pierro stated a hundred and fifty I thought it was.

Rich Williams stated Shawn and I had some conversations about this.

Board Member Rogan stated you guys I thought were discussing something differently in the room. Is that what you were talking about a hundred and fifty.

Rich Williams stated Dave and I and Gene looked at the sketches that Gene prepared.

Chairman Schech asked was it a hundred or a hundred and fifty radius, the horizontal radius on that.

Gene Richards replied I think the one they were looking at was a hundred and fifty foot radius from the centerline of the road.

Board Member Pierro stated Mr. Noblet we understand your position and the inability for you to obtain the waiver from the mortgage holder, after extensive discussion we think we may have found a way to solve this problem.

Board Member Rogan asked Mr. Noblet is it still your feeling that if it were not for Mrs. Greene holding this stipulation on the property that you would be okay with an extension on that corner. I think if we had the sketch it would be more clearer because that would probably help out.

Rich Williams retrieved the sketch.

Mr. Noblet asked how much do you need to take.

Board Member Rogan replied that is what I think the sketch will show. It is not a whole lot more.

Mr. Noblet stated because what happened here I went to look at the thing three is eighteen feet wide that means that if you take about twenty-five feet from the center you have enough to enlarge the highway.

Board Member Rogan stated I think we are close, we are close we are not quite there, eighteen feet so we already have nine feet and we have the additional fourteen that you have already committed to include to make the twenty-five foot.

Rich Williams asked do you want it up there.

Board Member Rogan replied I would say just show it to Mr. Noblet and Mr. Miller.

Board Member Rogan stated Steve, I am sure you can look at the limits of disturbance there for grading.

Mr. Miller and Mr. Noblet reviewed the sketch for a few minutes.

Board Member Rogan stated we understand that you were unable to offer this because of the mortgage holder. If it was your intention though that if it was within your control to do that then we feel we would be able to move forward tonight.

Mr. Noblet stated my question is for me I was also thinking about a way to solve this, one of the solutions would be either to remove number 16 which is "all roads, streets, highways, parks, easements and reservations shown hereon are hereby offered for dedication so that means to reserve the whole thing that you want I can. We can still make it reserved for street alignments but here the indication of this is I am giving it to you right now which in fact I am not really allowed to do. If you take this out then I have no problem.

Board Member Rogan stated we had virtually the same idea and it was something to the effect of having it worded so that it would not be offered for dedication until such time the property changed hands from you. So, if you hold on to the property for ten years then it won't take effect until then. When you sell the property it would take effect if that is agreeable to you.

Mr. Noblet replied yes.

Rich Williams stated you might want to take a look at the condition we placed in the resolution.

Rich Williams handed Mr. Miller a copy of the resolution.

Mr. Miller read the subdivider has agreed to an irrevocable offer of dedication for the lands of Lot 1 abutting McManus Road South, northerly of the proposed driveway of sufficient area that the horizontal geometry of McManus Road South can be improved to provide a minimum of one hundred and fifty foot radius. The offer of dedication is to become effective upon the sale or transfer of ownership of Lot #1 as shown on the final subdivision plat. A note will be added to the final subdivision plan to this effect.

Mr. Miller stated to Mr. Noblet it is essentially what you had discussed.

Board Member Pierro stated my only question is who is on the current deed, is Mr. Noblet only.

Mr. Miller asked Mr. Noblet are you the sole owner of the property.

Mr. Noblet replied yes.

Board Member Pierro asked just you.

Mr. Noblet replied yes.

Board Member Rogan asked is that agreeable to you Mr. Noblet.

Mr. Noblet replied yes.

Board Member Rogan asked is there any other issues other than the resolutions any other issues that we want to discuss before.

Rich Williams stated the only thing is that sketch is the office copy I need that back. I can get it to you, I can fax it over tomorrow.

Mr. Miller replied if you would. I am sure I know what you want.

Rich Williams stated and we will fax the reso and then you can mount it up on the plan and we are done.

Board Member Rogan made a motion in the matter of Jean Yves Noblet on McManus Road South that the Planning Board issue a negative determination of significance under SEQRA and approve the final subdivision approval with the three findings statements and the twelve general conditions contained in the resolution dated April 1, 2004. Board Member Pierro seconded the motion.

Chairman Schech asked all in favor:

Board Member Montesano	-	aye
Board Member Pierro	-	aye
Board Member Rogan	-	aye
Board Member Di Salvo	-	aye
Chairman Schech	-	aye

All in favor and motion carried by a vote of 5 to 0.

Rich Williams stated before we stop there is actually two resolutions there because of the changes in the zoning code that requires also site plan approval. There is a second resolution.

Board Member Rogan made a motion in the matter of Noblet Subdivision that the Planning Board approves the site plan with the five general conditions contained in the resolution of Final Site Plan Approval dated April 1, 2004. Board Member Montesano seconded the motion.

Chairman Schech asked all in favor:

Board Member Montesano	-	aye
Board Member Pierro	-	aye
Board Member Rogan	-	aye
Board Member Di Salvo	-	aye
Chairman Schech	-	aye

All in favor and motion carried by a vote of 5 to 0.

Mr. Noblet and Mr. Miller thanked the Board.

3) **SYPKO WETLANDS WATERCOURSE APPLICATION**

Mr. Harry Nichols, P.E. and Mr. Sypko were present.

Board Member Rogan asked how did we make out all done.

Mr. Nichols replied yes. We got the memo from Ted Kozlowski and we took the liberty of putting all the plantings that he had requested on the plan and I brought it with me tonight.

Chairman Schech asked Rich did you see it.

Rich Williams replied I haven't seen them yet.

Ted Kozlowski reviewed the plan and made comments to Harry.

Board Member Pierro asked Ted would you include us in on that.

Ted Kozlowski asked you don't have a copy of my memo there because that is what it was.

Board Member Pierro replied okay four items.

Ted Kozlowski replied yes.

Rich Williams stated Harry has basically just added Ted's memo to the plans. All the other issues were complete.

Ted Kozlowski stated it was basically planting up the level spreader area. Harry, did you put the comment about the detention basin seed.

Mr. Nichols replied yes.

Ted Kozlowski stated and then there was a minor correction on the tree list. It read gallon instead caliper and that was it. That seems all to be corrected here on the new plans.

Board Member Rogan stated we wished you had come up with this plan in the first month Harry.

Board Member Rogan made a motion in the matter of Sypko Wetlands Watercourse Permit on Birch Hill Road that the Planning Board issues a negative declaration and grant the permit with the four general conditions and to include the four conditions in Ted Kozlowski, Environmental Conservation Inspector's memo dated March 30, 2004. Board Member Pierro seconded the motion.

Chairman Schech asked all in favor:

Board Member Montesano	-	aye
Board Member Pierro	-	aye
Board Member Rogan	-	aye
Board Member Di Salvo	-	aye
Chairman Schech	-	aye

All in favor and motion carried by a vote of 5 to 0.

Mr. Nichols thanked the Board.

Board Member Rogan thanked Mr. Sypko for his patience.

Mr. Sypko thanked the Board.

4) **THOMAS SUBDIVISION**

Ms. Theresa Ryan, Insite Engineering and Mr. Thomas were present.

Board Member Rogan stated Theresa, this project is very timely because there is a training coming up on conservation easements over at the County Courthouse in the next few weeks.

Board Member Rogan asked Theresa, the areas shown in green is that the conservation easement currently.

Ms. Ryan replied yes.

Board Member Pierro asked did you get the March 30, 2004 memo from Dufresne-Henry.

Ms. Ryan replied yes we got that today and I got Rich's today too.

Board Member Rogan asked Rich are we okay to set a public hearing on this.

Rich Williams replied yes.

Board Member Rogan made a motion in the matter of Thomas Subdivision, 469 Route 164 that the Planning Board schedules a public hearing for May 6, 2004. Board Member Di Salvo seconded the motion.

Board Member Rogan stated we did discuss at the work session this conservation easement and admittedly I am not that familiar with them in terms of how they can be set up and what they will allow and what they won't allow. Rich had felt that the easement should follow more of the steep contours behind the Applicant's house. Initially I was opposed to that because I thought that the conservation easement allowed access and I wouldn't want people hiking right behind my house either but he said it is flexible to something we can work with.

Rich Williams stated you can structure a conservation easement anyway you want to structure it.

Board Member Rogan stated and I think what I am interested in anyway is just a restriction on future development on actually placing structures in terms of cutting firewood or using that property I don't want to restrict the Applicant short of maybe going in and clear cutting on the ridge lines but to go in and do selective even timber harvesting or something I think is something I would be open to discussing.

Ms. Ryan stated the only reason why we left this buffer here is of course Greg agrees with that he would like to be able to keep the trees clear because the foliage and trees get really dense here. It makes a moisture problem behind his house because the mountain goes up so high so he would like to be able to keep that clear enough. Something else that he always had intended to do was to put a gazebo back here behind the house and he does not want to restrict that either. So what we have done here is show a two hundred foot back here where he can still clear some trees and maybe out the gazebo that he wanted to do but we are still protecting the highest part of the property, the steepest part and the wetland over here and a majority of the buffer and all of the wetlands on this lot and this equates to about forty-five percent of this lot between this and this piece and there is about forty-five percent of this lot encumbered too by the easement.

Board Member Rogan stated one of the areas that Rich was also concerned about is the northerly corner of his lot, the original lot, can you point up to that.

Chairman Schech stated the existing house lot.

Board Member Rogan stated go down the driveway and towards the wetland, between where you are pointing and his house the steep slope that runs up hill. That was I think a little bit more that he was looking at as well. We walked through that area it is incredibly steep. There isn't a whole lot of use of that area and in any case just because of the slope there. That is something that we might want to take a look at but again, I am really open to structuring this easement so that it is a useable easement. We are just really looking at I don't know I am speaking for the rest of the Board but structures.

Ms. Ryan stated if somebody was to have animals there it is not too steep for that. I mean if they were going to have sheep or horses it certainly is useable for that so that is why he didn't want to encumber that.

Board Member Rogan stated it was pretty steep out there.

Ms. Ryan stated the property that we live on use to be steeper than that.

Board Member Rogan stated otherwise it looks like we are in pretty good shape with this. I have not here on my file about the utilities there was a question about there is existing overhead lines.

Ms. Ryan stated there are.

Board Member Rogan stated and we haven't discussed that yet as a Board as to what we want for this subdivision. We have been pushing pretty hard for underground utilities. I don't know what the practicality of that is for a four lot subdivision but I hate looking at these overhead lines.

Ms. Ryan stated it is a possibility since they are going to put the road in here anyway. There is a pole right in this location.

Board Member Rogan stated I would prefer that. I don't know about the rest of the Board.

Chairman Schech asked what is in there now poles.

Ms. Ryan replied yes there is a utility pole here with overhead wires that come up to a certain point and then underground. It is all overhead in here and even if these houses went underground we would still like to keep this so that they don't have to go back in there and dig that up and re-do that. It will probably go underground here and then once it hits that pole beyond here stay above ground and stay underground here.

Chairman Schech stated to the existing house whatever is there is there but all the new structures should go underground.

Board Member Rogan stated you are saying that you would eliminate the overheads though on Lot whatever that top corner is Lot 2.

Ms. Ryan stated yes. There might be a pole in here somewhere so we would have it underground up to a point.

Board Member Pierro stated does our Town Code have any influence on wires Rich.

Ms. Ryan asked existing ones.

Rich Williams stated it certainly says for subdivisions all utilities go underground.

Ms. Ryan asked all new utilities right.

Rich Williams replied it does not say all new utilities it just says all utilities.

Chairman Schech stated it is there you have an existing structure.

Rich Williams stated when you are running into a pre-existing structure I think you have some flexibility either way.

Board Member Pierro stated as long as the ones down in front are underground as planned.

Board Member Montesano asked what is the total distance that would be above ground then. It goes underground up to the existing house right now.

Ms. Ryan stated but they are in the trees already I mean it is not like it is visible.

Mr. Thomas stated it actually goes farther up then that. It goes to about this point referring to the plan. It does cross the driveway over the driveway and then it drops underground along here and to the back of the house. So, the one pole is on this side.

Board Member Rogan stated if nothing else at least if we get the new houses.

Chairman Schech stated the new structures will be underground.

The Secretary asked Shawn, you did the motion for the public hearing.

Board Member Rogan replied yes.

The Secretary stated it didn't get seconded and voted on.

Board Member Di Salvo stated I seconded it.

Board Member Rogan stated we voted on it.

Board Member Rogan asked the road name is everybody fine with that.

Rich Williams stated if I can just jump in here the new direction within the subdivision code says the road name you will give some historical context and if there isn't any then you will use some natural feature of the ground. I don't know if the Board is comfortable with the fact that they have (unable to hear no microphone). It was the Town Board's intent that we start promoting the historical nature of the Town so that we don't get anymore Nosh Kola Lanes.

Mr. Thomas stated Four Fields has been the name of the property since 1930 and that is why I decided that maybe we should carry it on with Four Fields Lane.

Chairman Schech asked Four Fields Lane or Fields Lane.

Board Member Pierro stated Four Fields.

Board Member Di Salvo stated except there is a Fields Lane off Fair Street.

Board Member Pierro stated I have no problem with Four Fields Lane but I understand,

Rich Williams stated the other issue is that Gene raised was that we have a Fields Lane and Four Fields Lane almost looks like, Board Member Rogan stated right number four Fields Lane.

Board Member Montesano stated so if you get an emergency somebody is going to go to 4 Fields Lane not Four Fields Lane so that is where the problem is going to lay.

Chairman Schech stated come up with another name.

Mr. Thomas replied yes.

Board Member Pierro stated Four Fields Farm.

Board Member Montesano stated the problem happens to be Four.

Chairman Schech stated the thing is if you put the number 4 in there it sounds like an address no matter what it is.

Ms. Ryan asked did we resolve anything with the easement or is it still open for discussion.

Rich Williams stated I don't know where we stand on it I had met with Greg and my suggestion to Greg was that he come up with a list of things that are important to him and then we can take that list and start applying it to how we can structure the easement and I think that is where we left it off that this was going to be a process that was going to take some time and you are agreeable with that.

Mr. Thomas stated absolutely.

Ms. Ryan stated but the thing is that you want to leave them where they are and structure them what we show right.

Mr. Thomas asked that is what you mean and then as far as usage.

Rich Williams replied no not necessarily like I said we would start with looking at what you want to do and then we can see about where the boundaries would need to be or need not to be.

Mr. Thomas asked do you have an idea at this point.

Board Member Rogan stated it sounds like a bartering game show what he wants and you are going to go back and forth.

Rich Williams stated I agree with Shawn we are not looking to make this onerous or significantly limit your ability to say timber harvest, go cut firewood, clear to keep the trees away from your house, you want to put up a gazebo I have heard that and nobody has any problems with that right but we are looking with the future in mind because we hope that you are here for a very long time and enjoy the property but someday you are not going to be here and someday I am not going to be here and somebody else is going to come in and they are going to want to put something up on top of the hill. They are going to want to do something that is not appropriate and that is what we are kind of looking to protect.

Ms. Ryan stated we are protecting it with this.

Mr. Thomas stated that is the thing, Rich I mean it is really protected for the most part. If you were to build a home or anything anywhere else you would never see it unless it was at the top of the ridge I don't think anybody would want to be up with the power lines so I guess I really don't know what other areas you would like to claim as an easement or conservation area. I don't really have any idea what more we can do with it.

Rich Williams replied well I mean as Shawn brought up a couple of areas that we had kicked around. I am not sitting here saying that is where the boundaries have to be but I would like to leave them on the table at this point as part of the discussions.

Board Member Rogan asked Rich, could you word the easement so that it said no habitable structures would be in other words a gazebo is not a habitable structure.

Rich Williams stated yes but personally I would like to take a little bit of thought than just habitable structures but that does not mean I would want to preclude everything.

Board Member Pierro stated right but he certainly would have the right under Town Code to put an accessory apartment or accessory structure on the main lot anyway because he has got five acres or more and we wouldn't preclude him from doing that.

Board Member Rogan stated and the conservation easement doesn't take away from his acreage right. Let's say for the sake of argument that he had five acres total and we were going to make two acres of that a conservation easement that would not then say that he has a three acre parcel. He would still have a five acre parcel for rights so regardless of how large or small the conservation is it is not going to affect your ability to use the more level areas of that property. It is obvious that if you wanted at some point in the future to put another lot or another building that you have plenty of room for it and we don't want to hamper that either.

Mr. Thomas replied I wasn't really thinking of that actually.

Chairman Schech stated now we are giving him ideas.

Mr. Thomas stated actually down below where you had first said that you might be interested in extending this there is no way. First didn't we discuss the possibility of the septic being over there so I don't know where you would really build and I guess that is what I wonder. If we deem it a conservation area that can't be built on at this point anyway I mean what is the point really of calling it a conservation area.

Board Member Pierro stated in the future someone else may come in and try to put a septic down there.

Mr. Thomas asked yes but can they.

Rich Williams replied yes that is the problem is we have several lots in this Town that never should have been built on and we have houses on them so we are little bit leery now about how development is occurring within this Town which is why we went through the provisions with our new Zoning Code of mandating cluster subdivisions and mandating that certain areas couldn't be built on which affects your lot which is why we are suggesting to do the conservation easement to compensate for not having to do a cluster subdivision here which would then absolutely restrict anything.

Mr. Thomas asked so what is the next step I come up with what I would like to use the property for.

Rich Williams replied right what you would like to see occur on the property short term and long term and that will give us the direction about what should be in the conservation easement and what shouldn't and then we can talk about how it is going to apply with the boundaries we come up with and take it back to the Board and make sure they are okay with it.

Mr. Thomas stated thanked the Board.

5) CLANCY LOT LINE ADJUSTMENT

Mr. Joe Buschynski, Engineer with Bibbo Associates was present representing the Applicant

Mr. Buschynski stated we have a concept review of properties owned by Clancy Properties. Currently, the new building that Clancy has constructed is located on one tax map, the building and parking is actually located on two tax parcels one located here and one located here. They also own a third tax parcel and they are trying to achieve a five acre parcel that New York University would be interested in for office storage and they can't do that without a lot line adjustment by taking this line that is here and bringing it around to create that five acre piece thereby merging the remainder with what is now tax lot 31. The road is private. It is proposed to remain private ownership. It will be maintained essentially by the property owners served by it. There will essentially be a maintenance agreement prepared.

Chairman Schech stated we will have to know what traffic impacts are going to be on that road, driveway whatever it is and we also would like to do a site walk I believe.

The Board stated yes.

Board Member Pierro stated and we would also like to know is there any talk of further use for that storage facility. I heard there was going to be some research as well. I thought that word was brought up.

Rich Williams stated yes what was conveyed to me was that this was going to be potentially they were looking at a building for New York University that would be used for record storage and where some of the students and or teachers or whoever could come up and do record searches and historical research on the records kept there.

Mr. Buschynski stated that has been discussed but they haven't had a firm proposal yet. We are assuming the site plans are going to be prepared shortly.

Chairman Schech stated it would be like a library more or less.

Mr. Buschynski stated I believe book storage is involved.

Board Member Pierro asked who is going to own this parcel after the lot line adjustment.

Mr. Buschynski replied NYU. It is to be conveyed.

Board Member Pierro asked so it would be right for us to assume that this parcel is also going to come off the tax rolls.

Mr. Buschynski replied no.

Bruce Major, an audience member stated no New York University is a private institution.

Chairman Schech stated not for profit right.

Bruce Major stated I am not sure.

Board Member Rogan stated we certainly can find out.

Chairman Schech stated we will do a site walk. I don't think we need any staking right, you got the building there.

Board Member Pierro asked what size of a building are we talking about.

Board Member Rogan stated the lot line.

Board Member Montesano stated we have to get a variance in the fact that we are creating a lot that is not on a road frontage don't we.

Board Member Rogan stated you are not creating a lot. You are not adding a lot to this.

Rich Williams stated yes that is the issue it is already there.

Board Member Rogan stated you are keeping three lots.

Rich Williams stated before anybody can use they absolutely would have to have a 280a but that is the problem you are not actually creating a lot you are just shifting the property boundary.

Chairman Schech asked the Board what do you want the corners of that far site staked.

Board Member Rogan replied I would think Joe if you can just give us so that we can know where that lot is going to lie. Even if it means your points on the map and then just something in between just so we can get an idea of how that lot is going to lie.

Board Member Di Salvo asked do we know how big the building is going to be.

Board Member Rogan replied I don't think we are going to know at this point.

Board Member Pierro asked Rich this is to the west of that new structure put up for the data link cable.

Rich Williams replied yes.

Board Member Pierro asked does the stream cross the roadway or does it go back into this parcel.

Rich Williams stated there is actually a stream on this parcel by the Data Net. It crosses this road up towards just west of the Data Net.

Board Member Montesano asked Joe, do we have any idea of how big this building is going to be.

Mr. Buschynski replied no not currently but obviously it has got to fit within the confines of the five acres they wanted. It has to provide for stormwater treatment and a septic system. There is going to be minimal parking and traffic.

Board Member Pierro asked is this in the area of where the Honda city is over there.

Mr. Buschynski replied yes they are here.

Board Member Pierro asked where are the Honda's going to go.

Mr. Buschynski replied I can't answer that.

Board Member Pierro stated are we going to create another problem where the cars are going to go in a wetlands buffer after we move the cars out of there.

(unable to hear too many talking).

Board Member Pierro stated there is no site plan approval for the cars as well maybe we can roll this all into one basket and get that corrected as well.

Chairman Schech stated do some staking and then we will take a look at it and we will discuss it next time around.

Rich Williams asked what staking did you want.

Board Member Rogan replied he is doing the lot.

Rich Williams asked the front corners or the whole lot.

Board Member Rogan replied well if you do all the points shown on that map then give us an idea of the lines in between just for some simple flagging between.

Chairman Schech stated just to the right of the road so we can see the extent of the property.

Mr. Buschynski verified it on the map.

Chairman Schech stated correct and that is it.

Ted Kozlowski stated Joe; you might as well make sure the wetland flagging is still out there too.

Mr. Buschynski replied yes it is fairly fresh.

Board Member Rogan asked is there a reason that they are stuck on five acres for that lot. In other words, let's say they propose a certain size building and it won't fit because of the constraints of the lot are they then going to increase it to a six acre lot or is five acres the magic number for this transfer of ownership.

Mr. Buschynski replied that has been the number.

Board Member Rogan stated we have a records storage facility for the County it is over in Brewster off of Route 6, Main Street. It is just archives they go in, the people there are like librarians, every one of them, they archive everything, and we call up and need a record they send it over in an hour or so.

Board Member Di Salvo asked there is people in there full-time.

Board Member Rogan replied yes like maybe a half of dozen people.

Mr. Buschynski thanked the Board.

6) **FOREST VIEW SITE PLAN**

Mr. Harry Nichols, P.E. was present representing the Applicant.

Mr. Nichols stated this represents a new concept plan we are submitting upon subsequent to having the wetlands flagged and survey located.

Board Member Rogan asked when was that.

Mr. Nichols replied in November or December when we got a break in the weather. We previously proposed putting the buildings on the inside but it ends up (unable to hear the Board was opening plans drowning out Mr. Nichols).

Mr. Nichols stated the other proposal was three buildings with eight units in each now it is two buildings with twelve units.

Chairman Schech asked so we are all flagged on that site.

Mr. Nichols stated it is flagged. The wetlands are flagged.

Mr. Nichols stated on this plan we are locating the water quality basin we have shown (unable to hear the rest of his statement). There really is no other place to put them and to be able to capture that water.

Chairman Schech asked the new structures we have stakes for those.

Mr. Nichols replied not yet. I see from the memo that you would like to have them staked for a walk. I will stake the road I believe and the corners of the building.

Chairman Schech stated the road is in existence or are we extending it.

Mr. Nichols replied well the actual pavement in existence is here, this here is a grass area that you can walk down.

Chairman Schech stated all right so put some stakes in the center so we are sure where it is.

Mr. Nichols stated we are showing a central septic sewage disposal system for the two new buildings and there will be a central water system that will take care of all four buildings. The central water system will be located in the basement of this structure right here. The wells will feed the water from here and here it will be distributed back to the structures.

Chairman Schech asked the system is going to be located in basement in one of the buildings.

Mr. Nichols replied yes it is going to be in its own locked room rather than building a separate structure.

Chairman Schech stated I don't know if that is allowed Harry because you have got chemicals in there. I would check on that.

Mr. Nichols stated really there are no chemicals except chlorine.

Chairman Schech stated yes that is dangerous.

Mr. Nichols stated we will check into the ordinance on that.

Board Member Montesano stated is that where the fire unit is going to go.

Board Member Pierro stated they have sixteen thousand gallons of water storage.

Board Member Montesano asked didn't he suggest more than that.

Board Member Pierro stated well there was some confusion about the numbers there.

Board Member Montesano stated we were talking twenty and thirty.

Chairman Schech stated all right Harry let us know when it is flagged and we will take a look at it.

Board Member Rogan asked Harry, the existing buildings that are out there now is there any use of the grounds around the building by the tenants.

Mr. Nichols asked what do you mean what do they use it for.

Board Member Rogan replied yes.

Mr. Nichols stated the area over here is for, Board Member Rogan stated no I mean around the existing buildings. I mean like a playground or barbecuing or anything like that.

Mr. Nichols stated they may do something out there.

Board Member Rogan stated the reason I am asking is because the one proposed building number three is about fifteen off the wetland buffer line and I know Ted is going to want that wetland buffer demarcated so that we don't have activity there.

Mr. Nichols stated we are getting rid of the local parking area. This will provide additional grounds for recreation.

Board Member Montesano stated yes but there has got to be some means of explaining to the people that we don't want you crossing in here.

Board Member Rogan stated walking in a buffer certainly isn't as much of a problem but you don't want activities going on.

Rich Williams commented where do you think the ATV's are going to run.

Mr. Nichols thanked the Board.

7) PUTNAM COUNTY NATIONAL BANK SITE PLAN

Ms. Theresa Ryan, Insite Engineering was present representing the Applicant.

Chairman Schech asked did we ever come up with any architectural on this yet.

Ms. Ryan replied not since.

Board Member Rogan stated not since the ones we saw a couple of months ago right.

Board Member Pierro stated Theresa, we have discussed at work sessions about the possibility about obtaining not that you are not capable but this construction or this project is going to steer the future look of our downtown area and it has been suggested amongst this Board that maybe an Architectural Consultant be brought in.

Ms. Ryan replied yes sure it won't affect me I am not an Architect so I don't take any offense.

Board Member Pierro replied neither are we but I would like to put it on the record and let you know that is a real possibility and maybe you can communicate that to the Applicant. In this circumstance would the Town hire the Architect.

Rich Williams shook his head yes.

Board Member Pierro replied yes and then we would bill back to the Applicant.

Board Member Pierro stated okay it is the first time I have ever come across that scenario.

Rich Williams stated I don't know if the Town has somebody in mind.

Board Member Pierro asked do we have to approach the Town Board with this suggestion.

Rich Williams replied it probably would not hurt. I know there are Town Board Members that are also interested in doing it. I thought they were just going to do it on their own but it wouldn't hurt for the Planning Board to send a letter to the Town Board requesting services.

Board Member Pierro asked can we make that happen.

Rich Williams replied sure.

Board Member Pierro thanked Rich.

Chairman Schech stated we had questions on parking too right.

Ms. Ryan stated we had a legal question too about the parking on the property I don't know if that ever got resolved if we have to do the easement.

Craig Bumgarner stated I am not familiar with it.

Ms. Ryan stated I don't think you were here that night but the property jogs out into the town property.

Craig Bumgarner stated those spots there along the right of way.

Ms. Ryan showed Craig on the plan.

Board Member Rogan asked can we lose that jog wouldn't it be simpler instead of doing an easement put a line across the front.

Chairman Schech stated there has never been anything there I don't understand.

Craig Bumgarner stated he is in the right of way any how.

Chairman Schech stated I think as of use that has been long gone I would think.

Board Member Rogan stated the Town has a prescriptive easement.

Craig Bumgarner stated even without a prescriptive easement it is probably still within the right of way anyhow so they have the right (unable to hear the rest of his statement no microphone).

Board Member Rogan stated under this proposal I know there was a lot of talk about the rear property line and it's buffering and screening and I see you kept two large trees that are there my only concern is I like the idea of creating a visual buffer between this project and the neighboring properties but we are losing obviously parking is an issue we are losing it all over place but those parking spots to me would have been used by the employees for this building whether it be the office space upstairs or the retail down below and

we are losing that. So, now if those employees, a note on a plat is not going to solve where people park but really those employees should be parking over on the adjacent lot and not out front because now you are losing those spaces for the retail end of it for customers, patrons that is the only reason that I don't care for that idea but I know that we need the buffer.

Board Member Rogan asked would it be safe to assume that the property owners behind didn't want any part of that planting scheme or were they not even approached.

Ms. Ryan replied the Ryder's decided not to approach them I don't know if they have a good relationship with them or not and they also didn't want to approach the owners to the south.

Board Member Rogan stated I don't like the idea of losing any parking on this lot. That is the only problem it is just basically that we have gone from poor parking to no parking.

Ms. Ryan replied the only alternative because of the isle widths that you would need and the turning radius to get a loading vehicle in there you wouldn't have a buffer.

Rich Williams stated you would have to go with a straight fence.

Chairman Schech stated so technically we eliminated the parking in the rear right.

Ms. Ryan replied in the rear right that is what we did to save these two trees and to keep that buffer that is there now.

Board Member Pierro asked what kind of trees are those Ted do you recall.

Ted Kozlowski replied I don't.

Board Member Rogan stated I think they said they were oaks or something.

Ted Kozlowski asked and you are cutting into that root zone there.

Board Member Rogan stated on one of them it is pretty close.

Board Member Pierro stated and you are going to kill them anyway.

Ted Kozlowski stated a thirty inch oak there.

Ms. Ryan reviewed the trees on the plan with Ted unable to hear the discussion no microphone.

Rich Williams stated you are not going to have huge mature trees in that area.

Ted Kozlowski stated it says it is a thirty inch Oak.

Ms. Ryan stated twenty-six and thirty inch Oaks.

Rich Williams stated look at it tonight.

Ted Kozlowski stated you have to see what the driveway is going to do you may lose those trees anyway. I don't know.

Chairman Schech stated it is a tight lot for trees.

Ms. Ryan stated maybe after you look at them they might not be worth saving.

Ted Kozlowski stated we should take a look at it.

Chairman Schech asked do you want to do an official site walk since some of the members on the Board were never there.

Board Member Rogan stated I was never there but I drove by. There is not much to look at.

Board Member Di Salvo stated I never noticed the trees.

Board Member Rogan stated I didn't either.

Chairman Schech stated the next time we go out we will just take a look.

Board Member Rogan stated Rich has a question here about the well, septic and oil tank for the previous building. Any ideas about that.

Ms. Ryan replied the well is out in the street.

Chairman Schech stated the fuel tanks were above ground if I recall right.

Rich Williams replied I don't know that is why I thought it would be good to have it in the record exactly what happened to them. (TAPE ENDED).

Chairman Schech stated I remember they were abandoned I emptied one of them and dumped it into Gil's tank.

Board Member Rogan stated speaking of the well though if that is out is that abandoned or has it been abandoned. Are we going to fill that full of concrete.

Ms. Ryan stated there are two wells.

Board Member Rogan asked is the new building going to be serviced by the well or is their community water.

Rich Williams stated there is not community water.

Ms. Ryan stated we have to investigate those two wells.

Chairman Schech asked are they drilled wells or points.

Ms. Ryan replied I don't know.

Rich Williams stated I don't know and you say you are going to investigate them does that mean you are going to dig down in the street.

Ms. Ryan replied we would have to.

Rich Williams stated you are going to get a highway permit first and that I would like to see.

Ms. Ryan stated apparently there is some drainage out there too that was paved over.

Board Member Rogan stated if you are going to go through the hassle of digging up those well heads you are going to provide some type of manhole then right not bury them back in I would think.

Ms. Ryan replied yes. There is also three points where we have sewer connections too that are shown on the plan those are covered too.

Rich Williams stated they have got to be covered.

Chairman Schech stated they route them to the property line I believe.

Ms. Ryan stated yes just behind the sidewalk. There were stakes there I guess and they are gone.

Ms. Ryan stated Rich also mentioned that Board may wish to start SEQRA.

Board Member Rogan stated we haven't done Lead Agency yet have we.

Chairman Schech stated there is really no rush we want to take a look out there and we want to see the architectural and all that so we have time.

Board Member Rogan stated does declaring our intent to be Lead Agent start the clock like it does having a public hearing.

Rich Williams replied it does not start a clock.

Board Member Rogan made a motion in the matter of Putnam County National Bank that the Planning Board declares it's intent to be Lead Agency. Board Member Pierro seconded the motion.

Chairman Schech asked all in favor:

Board Member Montesano	-	aye
Board Member Pierro	-	aye
Board Member Rogan	-	aye
Board Member Di Salvo	-	aye
Chairman Schech	-	aye

All in favor and motion carried by a vote of 5 to 0.

Ms. Ryan thanked the Board.

8) RYDER SITE PLAN WETLANDS/WATERCOURSE PERMIT

Ms. Theresa Ryan, Insite Engineering was present representing the application.

Ms. Ryan stated I did not get any review comments.

Board Member Rogan replied neither did we.

Board Member Rogan stated Ted you had some comments on this one though.

Ted Kozlowski stated the only added intrusion that I saw was the drain right, you are going to take the macadam up.

Ms. Ryan stated and they are resurfacing this back area.

Ted Kozlowski stated and you are going to do this referring to the plan which I felt was already pretty much disturbed that is just a mine field.

Chairman Schech stated and we are also redoing the front.

Ms. Ryan stated the front to be paved too.

Board Member Pierro asked where is the water that is collected in the front going to be sent to.

Ms. Ryan replied we are removing the curb here (unable to hear the rest of her statement no microphone).

Ms. Ryan stated that is a grass area and it drains to the west.

Ted Kozlowski asked are they fixing the drains to the roof.

Ms. Ryan replied the gutters yes.

Chairman Schech asked all these things are going to take place before the building falls down.

Board Member Pierro asked so is there going to be a swale built in the front on that grassy area.

Ms. Ryan stated there is already a grass swale.

Board Member Montesano stated they are going to pump the water over the curb.

Ms. Ryan stated over the curb and then to that opening.

Chairman Schech asked do we have a wetland application on this.

Ted Kozlowski replied yes an application was filed. It is complete and the fee has been paid.

Chairman Schech stated so we need a public hearing.

Ted Kozlowski replied yes.

Board Member Pierro made a motion in the matter of the Ryder property, Route 311 that the Planning Board schedules a public hearing for May 6, 2004. Board Member Rogan seconded the motion.

Chairman Schech asked all in favor:

Board Member Montesano	-	aye
Board Member Pierro	-	aye
Board Member Rogan	-	aye
Board Member Di Salvo	-	aye
Chairman Schech	-	aye

All in favor and motion carried by a vote of 5 to 0.

(Too many conversations going on at the same time unable to transcribe).

Ms. Ryan thanked the Board.

9) **DEW CONSTRUCTION Amended Site Plan**

Mr. Harry Nichols, P.E. was present representing the Applicant.

Chairman Schech stated we are moving the building ten feet back where we said it should be in the first place so we agree with you.

Rich Williams stated if I could just jump in here I did a memo that was a combination of Gene's and my comments and I missed a couple of comments. There is a couple more so I am going to tomorrow issue a revised memo then they can get it all cleaned for the next meeting.

Board Member Pierro asked what are we talking about in these revised memos.

Gene Richards stated one thing I remembered was the well. Insite's plan had the well I guess around the northeast corner of the building. On their plan it was within a grass area now if you move the building back now the well is going to lie within your storage area. You may just need to put protection in there for the well bollards whatever.

Board Member Pierro asked is there any reason why we can't set this now for a public hearing if the last item that you have is minor Rich.

Rich Williams replied yes. The issues were minor like slope things like that.

Board Member Rogan made a motion in the matter DEW Construction amended site plan that the Planning Board schedules a public hearing for May 6, 2004. Board Member Pierro seconded the motion.

Chairman Schech asked all in favor:

Board Member Montesano	-	aye
Board Member Pierro	-	aye
Board Member Rogan	-	aye
Board Member Di Salvo	-	aye
Chairman Schech	-	aye

All in favor and motion carried by a vote of 5 to 0.

Mr. Nichols stated just to clarify one of the items it talks about the rear exits and not being shown on the plan. They are on the plan. There are interior stairs. The grade behind the building is about four feet higher.

Mr. Nichols thanked the Board.

10) TANZI SITE PLAN

Mr. Gary Tretsch, Putnam Engineering was present representing the Applicant.

Rich Williams stated Gary was running late tonight, he wasn't sure if he was going to make the meeting. Basically, where we are is this is new application for a two lot residential subdivision. One of the lots they are proposing multi-family housing. It is just the initial application just to get some feedback from the Board.

Board Member Rogan stated we are going to do a site walk on this so we can just tell Gary to stake it.

Chairman Schech stated yes tell Gary stake Tanzi, the buildings.

Mr. Tretsch arrived at this point in time of the meeting.

Chairman Schech asked are there any wetlands that we need flagged on here.

Mr. Tretsch replied they have been flagged.

Chairman Schech asked still from the last time.

Mr. Tretsch replied yes.

Ted Kozlowski asked who did the flagging.

Mr. Tretsch replied you don't want to know. It was flagged some time ago.

Board Member Pierro stated yes it was at least three, four or five years ago that it was flagged. It was when I first started on the Board we walked that site.

Ted Kozlowski stated we are going to do a site walk we will need that refreshed Gary.

Mr. Tretsch stated actually I think you guys actually did a site walk.

Board Member Pierro stated we did a long time ago.

Ted Kozlowski asked where is this.

Board Member Rogan stated the corner of Fair Street and Bullet Hole.

Chairman Schech stated the one with the cars For Sale.

Mr. Tretsch stated what we are doing is clustering everything right here.

Ted Kozlowski stated we are going to need the wetlands refreshed.

Chairman Schech stated do the wetlands, do the corners of the buildings, centerline of the road and the parking we can probably figure out once we get the corners of the buildings up.

Mr. Tretsch stated and the concept is we are going to take down the second house and make the first lot conforming.

Mr. Tretsch thanked the Board

11) MINUTES

Chairman Schech asked can we approve the minutes.

Board Member Montesano made a motion that the Planning Board approves the January 8, 2004, January 29, 2004, February 26, 2004 minutes. Board Member Pierro seconded the motion. All in favor and motion carried by a vote of 5 to 0.

12) OTHER BUSINESS

a. Paddock View Site Inspection

Mr. Dan Donahue, Engineer and Mr. Mark Porcelli, Applicant were present

Board Member Montesano stated we are not going to worry about those trees right. I still think they ought to move. I would still like to see them move those two trees.

Chairman Schech stated we did a site walk and I personally the detention pond, can you move that house somewhere.

Mr. Donahue replied I don't think so.

Board Member Rogan asked Dan did you get a copy of the site walk comments.

Mr. Donahue replied yes. Like I said at the last meeting we want to put a water quality basin up here which would take care of the drainage from the road which that helped us reduce the

size of that basin. We could also put in infiltrators as we did on these two lots and that could also reduce it but I don't think it is going to reduce it to that great extent that this thing is going to be substantially decreased. We will look at that because I still have to submit plans to the Town Engineer and also the DEP for their review on the Stormwater Management Plan. Unfortunately, a lot of times when you deal with those agencies they don't have a tendency to get smaller but we will try to work with them and if possible be able to reduce the size of it. One thing we could do is maybe elongate it along here but as I mentioned the last time when we were here this is the low point of the property and there is no other place this water is going to be able to go.

Board Member Pierro stated there is an outflow across the street and I understand there is a and we brought this up at our site walk there is a piece of property across the street that is kind of small but it is owned by the neighbor.

Mr. Donahue replied we don't own the property. It is not our property and also trying to get it across we would have to re-size the pipe.

Chairman Schech asked how about the old barn is that going to remain.

(Unable to hear Mark Porcelli's response).

Mr. Donahue stated he just did a lot of work on the house.

Chairman Schech stated the problem is that the pond is so close to the house and it is on the same property as the house.

Mr. Donahue stated one thing that we talked about here is the driveway we could put a lot of plantings along here to obscure the view.

Mr. Porcelli stated there already is a line of Hemlocks.

Board Member Rogan stated yes but that line of Hemlocks is in the grading they are gone.

Mr. Porcelli stated we could pull the pond away from it a little and save those trees. From the back of the barn to the property line you have a good eighty feet between the house and the barn there has got to be well over a hundred feet.

Board Member Rogan stated if you can pull the pond and save those trees we are starting to get a little more separation distance but the concern is if we don't have this detention basin, pond, whatever you want to call it on its own lot how does the maintenance agreement work when it is part of a lot. Can you break that out on to its own parcel.

Mr. Donahue stated I don't think it will meet, Mr. Porcelli stated this would have to stay an acre right.

Board Member Pierro stated we would create a substandard lot.

Board Member Rogan stated but even still wouldn't creating a substandard lot and have that

as its own parcel be better than having that as part of a residential lot. You are not using the property anyway.

Rich Williams stated yes I don't disagree. The problem that we have and we have seen in Southeast and in Patterson when we put these amenities on to somebody's lot sooner or later somebody wants to do something with them. We lose them we get them filled in. It is always a problem.

Mr. Porcelli stated that is a pretty substantial pond that sits on a main road in Town.

Rich Williams stated we have got one on the other side of Town they went and excavated out the whole pond. It is gone. All the soil and everything.

Mr. Donahue stated that is illegal what they did.

(Too many speaking at the same time unable to transcribe).

Rich Williams stated it is now seven months and we don't have it back yet.

Board Member Pierro stated under best case scenario we would rather have it on a separate lot but in this case, Rich Williams stated it may not.

Board Member Rogan stated it is a balancing act.

Rich Williams stated I have got a concept here, just to throw out that I was just thinking about maybe we are going about this the wrong way. Instead of making it smaller make it bigger. One of the problems with this thing is that nobody is going to want to see the typical detention hole in the ground because they look ugly as hell. I know we talked about making it an actual pond and provide enough free board to handle the stormwater.

Board Member Rogan stated so that it is an attractive feature of the subdivision.

Rich Williams stated right.

Mr. Donahue stated once again once we get into the stormwater management and the removal rates and what is required especially by DEP it is now becoming a wet pond rather than a dry pond. I will talk to him about it. Also the fact I don't know whether there is sufficient water there to be able to generate.

Chairman Schech stated there was a pond there at one time.

Board Member Rogan stated it is piped right now. We saw where it has been caved in. That pipe was put in fairly recent it looks like.

Mr. Porcelli stated there was an existing old steel pipe.

Board Member Rogan asked wasn't it plastic what we saw.

Mr. Porcelli stated when I purchased it, it was damaged, old and rusted pipe that we just replaced the existing pipe because there was something there already. Obviously, this pipe comes off in this area, if we just dump into the pond that pipe would not have to continue once this pond was done.

Rich Williams stated the point being there is a wetland to the north of this and it is pulling water right down through there so there is a flow of water coming through that would help sustain a retention pond.

Board Member Pierro stated my concern Rich and I don't dispute your idea it is the only positive thing that we have heard other than what is already there but I don't think that I want to see this become deeper or larger because it is so close to the road and there is always that potential that a car is going to drive in it and we don't like retention ponds close to the road anyway.

Rich Williams stated I would imagine they would have to pull it back a little bit, provide a berm between so you would have a little bit more distance there plus at that point we would be talking about guard rail.

Board Member Rogan asked Rich, if we went that way could we have sufficient volume in there with a dry hydrant to meet the water standard.

Rich Williams stated here is what I am thinking, you know Watchtower and the pond,

Board Member Rogan stated yes it is beautiful.

Rich Williams stated that is a stormwater pond.

Board Member Rogan stated it is an attractive feature but what I am saying is with the new regulations we have been talking about with Paul with water volume for fire suppression if it is done right could we have a dry hydrant in it and have sufficient volume to draw from. Could we kill two birds with one stone.

Rich Williams replied yes well you are not going to satisfy Paul but it might be able to meet the necessary firematic needs of the subdivision.

Board Member Rogan stated in my opinion that is one in the same no really because this is currently a ten lot subdivision which by what he put the other night would require 60,000 gallons of storage that is two huge tanks.

Mr. Donahue stated it grew from the last time I was here.

Board Member Rogan stated well we are in the discussion stages. That is a lot of money.

Board Member Pierro asked how large is a 30,000 gallon pond.

Rich Williams stated actually it is not that big.

Board Member Rogan stated right but when it is a tank it is a big expensive thing.

Chairman Schech stated if we could possibly get a pond over there that is going to perform firematic, stormwater events, water treatment it is going to save everybody a lot headaches.

Rich Williams stated and it will be an attractive selling feature.

Board Member Rogan stated that is a great example the one at Watchtower. It is really attractive, it is not just a bowl. It has nice shoreline plantings. It is really nice.

Mr. Donahue stated from the times that I have been out there, there is as you can see in the contours there is a swale that runs through here and I have never seen water on the surface.

Board Member Rogan stated no there is a pipe below grade.

Rich Williams stated the problem is the flow is into the capacity of the pipe.

Mr. Donahue stated so this is going to require excavation from my present grade.

Rich Williams stated you would probably have to excavate it down, you would want to excavate it down some.

Mr. Donahue stated then I have to have a capacity on top of that for my stormwater. If this is something that you want us to look into we surely will.

Board Member Pierro stated I think it is viable.

Board Member Rogan stated you know what I would respect you if you said you know what that is the stupidest idea I have ever heard because at this point in the game we are at the initial stages of this subdivision I don't want to throw an idea out there that is not going to work but at this point it sounds like a possibility.

Mr. Porcelli stated when he gave me comments from the last meeting I wasn't here, my response then was if you go down County, Greenwich, Armonk people hire guys to come in and build ponds and it is something that is attractive and with some plantings and rocks that we can pull from the rear of the lot and place them around that pond it could be something that is attractive rather than a hindrance.

Rich Williams stated the problem is our experience is stormwater ponds are not attractive.

Mr. Porcelli stated if you put some plants around it, some rocks, some pines you kind of screen that from a view.

Board Member Montesano stated you have got a couple of nice pines you could pull right over there.

Board Member Rogan stated I like the idea I think it is pretty good because again, they are going to push towards the water storage and even if you can get half of the water storage taken care of because those tanks I know they gave us a figure, how much was the figure Rich for putting in one of those tanks.

Rich Williams replied he had said that the 20,000 gallon tank at Deerwood cost \$42,000.00 to install. The bond estimate was considerably lower. I was a little bit surprised but he said he talked to the people who installed it.

Board Member Pierro stated we had some questions about the lots to the east of the project being very close to the ridge line.

Board Member Rogan stated not the lots you mean where the buildings were located.

Board Member Pierro replied right and a couple of the wells were right up on top of the ridge lines.

Mr. Donahue stated what we will do is, the water quality basin has to be a hundred feet from the septic area I am going to mention that I have a little bit of a problem over here but what I will do is this area here can probably slide up a little bit further, move the house up, move this. This one I can't move too much.

Mr. Porcelli stated the ridge isn't up until here.

Mr. Donahue stated the ridge really runs lower.

Board Member Rogan stated that one wasn't so bad.

Mr. Donahue stated this one here I will try and move it up but like I said if I turn the septic I may be able to move it up but I have to maintain the hundred feet.

Board Member Pierro stated we wanted to leave the trees that were along the wall there if we could for screening.

Ted Kozlowski stated they serve a nice barrier between the two properties.

Board Member Rogan stated Ted, you had mentioned trying to pull that road so it would be,

Ted Kozlowski stated yes don't forget the most important part of any trees is it's root system and constructing the road as well as constructing that pond you are going to have give yourself a good amount of space so the root systems survive. If you can pull that road a little bit away from the property line to give the trees a chance.

Mr. Donahue stated the right of way goes to the property line.

Ted Kozlowski asked where do you disturb the ground.

Mr. Donahue replied the road itself is about ten, twelve feet.

Ted Kozlowski stated you are going to need more.

Mr. Donahue stated we will try and move it over.

Mr. Porcelli stated you don't want a small lot line on the other side you just want to create a larger.

Ted Kozlowski stated I don't want to see as much disturbance you want to try and preserve the tree root.

Mr. Donahue stated we will make it a larger right of way.

Board Member Rogan stated Dan that seems like it is going to push your basin.

Mr. Donahue stated that is what I was going to say is as I move this a little bit over here these things now are going to wind up coming this way.

Ted Kozlowski stated we are talking several feet we are not talking a lot.

Board Member Pierro stated but if we build that pond out in the front, a larger pond do we even need that retention basin down there.

Mr. Donahue stated one of the things we talked about was we are building a wet pond that wet pond is the existing water in the basin it is not storage that I can use for my drainage computations, my storage so whatever I do if I eliminate this pond here then this basin will also become bigger.

Mr. Porcelli stated they didn't have a problem with it getting bigger.

Board Member Rogan stated that is not a problem at this point if we are looking at it being bigger that is not a problem it just looks like you have to pull your entrance way closer.

Mr. Donahue stated well I don't really want to make it too much bigger because like I said I have to put a septic area that also has to maintain a hundred foot separation distance. This lot has to meet today's because now it becomes a lot by itself and it has to meet all Health Department standards.

Rich Williams asked Dan, where is the septic on that now.

Mr. Porcelli replied here referring to the plan it is on the side.

Mr. Donahue stated we were going to move it over here referring to the plan. This is where we dug our deep holes.

Rich Williams stated there were a lot of large trees back in that area.

Mr. Porcelli replied not so much here. There are a lot of pines through here. Where we dug the holes is pretty open.

Rich Williams asked forward of the pines.

Mr. Porcelli replied yes. There are some pines there but the majority of the pines are right through here.

Mr. Donahue stated I believe that the way it works is that I have to show the septic system that it meets today's standards. It does not have to be installed though. It just has to be shown that it is there.

Rich Williams stated if you need fill.

Mr. Donahue stated well then I have got a problem you are right if I don't have to serve the area with fill those trees will remain there.

Ted Kozlowski stated the other thing that you have got to consider is there is a substantial wetland to the property right behind that property boundary, where is that in relation to the septic. That wetland comes pretty close to that line.

Mr. Porcelli stated we have eighty feet from here to the property line.

Ted Kozlowski asked didn't you say the septic was going,

Mr. Donahue replied the septic is going in this area but we have to stay, a hundred feet I will be able to try. We dug the holes right in that area. I haven't done the percolation yet to see how big it is.

Chairman Schech stated I would say look into to trying to moving that pond down and see how big it does have to get down below and see what happens. This way we only have one pond to worry about.

Board Member Rogan stated there were two rather large trees that the Board when we walked it on that ridge line that we wanted sited on the plan and protected. They were like White Oaks and I think they were thirty or so inch trees.

Mr. Porcelli stated we are definitely concerned about keeping it private that is why we kind of kept the houses in an area where you are not going to really notice the subdivision by driving by on 292. You may see a house or two here. We are not looking to cut any trees that don't have to be cut especially something that is substantial. We were mostly concerned about, Chairman Schech stated the view shed from this side, Board Member Rogan stated right from the Hamlet looking towards the subdivision you see the ridge line it is right there and I understand wanting to build on the ridge because you have the views both sides. We kind of prefer though to focus on the view that is across more where the tower is when you look out across Beverly Sill's property to the right there is a big cell tower. We would kind of like it to focus that side.

Mr. Donahue stated I will try and pull them out as far as I can.

Mr. Porcelli stated if you want whatever trees on the ridge you want saved we will mark them.

Board Member Rogan stated we were talking about some type of a conservation easement possibly limiting cutting.

Ted Kozlowski stated yes because it is not so much you guys but once you are gone it is the future homeowners what is to keep them from topping all those trees to see the views.

Board Member Rogan stated and I think where your houses are located right now if the trees are left on that ridge and we can protect them granted in winter time you might see some of the houses but it is not going to look like the corner of Simpson Road where you look up and all you see is houses which is what we want to avoid.

Mr. Donahue asked we run somewhere through here with the easement.

Board Member Rogan replied exactly yes something along those lines do a conservation easement limiting cutting trees that we can protect that visual buffer and erosion down that hill. Like we said, we don't know what somebody will do five years from now for their views.

Mr. Porcelli stated there is not much going on that though I don't know if you walked back there.

Board Member Rogan stated we did.

Board Member Pierro stated if they cut the trees down it may be a mud slide.

Ted Kozlowski stated their concern was again, once the homeowner moved in there, put a deck, let's look at hills so let's lop off all the trees that are on our property.

Mr. Porcelli stated I have no problem with that.

Mr. Donahue asked what is my next step, can I move towards preliminary plans now.

Rich Williams replied yes.

Mr. Donahue stated I guess I haven't got any comments back from the Town Engineer.

Rich Williams stated generally this is pretty conceptual so rather than spend that kind of money we wait.

Mr. Donahue and Mr. Porcelli thanked the Board.

b. Burdick Farms Subdivision

Rich Williams stated Burdick Farms, the forty-five day time period in which everybody has to review the SEIS for completeness runs out in about two weeks, two weeks before the next Board Meeting.

Board Member Pierro asked they need an extension.

Rich Williams stated no he wants to have a special meeting, he wants an answer.

Chairman Schech asked he is going to pay for it.

Rich Williams stated yes.

Board Member Pierro asked can we do this after a work session.

Board Member Rogan replied we have to do before that.

Rich Williams stated he has requested that we do it before because the forty-five days runs out.

Board Member Rogan asked if we don't make a decision before the forty-five days in other words if it is fifty days later and he wants to push the issue can it be deemed sufficient just by the very nature of not making a decision on it.

Board Member Pierro stated no then we assume it as it is then.

Rich Williams replied I am not an Attorney but from the SEQRA training courses his recourse would be with the courts forcing a decision but I don't know if that is true.

Craig Bumgarner stated to be honest with you no clue.

Board Member Montesano stated if he did that and proceeded to go to court do you think he is going to get an answer within two weeks.

Craig Bumgarner stated that I can tell you no.

Board Member Rogan stated I see your point in other words even if he started an action we would have made a decision by the time that, Craig Bumgarner stated well before. Board Member Rogan stated so it is a mute point and we should just do it at the next regular meeting.

Rich Williams stated he asked to have a special meeting and I am bringing it to you. It is up to you what you want to do.

Chairman Schech stated it is not going to hurt us as long as he is paying for it. Do we have the time.

Board Member Rogan stated two weeks from tonight I guess right.

Board Member Montesano stated if we are going to have a special session do we have to have it a 7:30.

Rich Williams replied no.

Board Member Montesano stated if we are going to have it why don't we make it our convenience.

Board Member Rogan stated whatever you guys want to do I am fine.

The Board agreed to schedule the Burdick Farm meeting for April 15, 2004 at 7:30 p.m.

Board Member Pierro made a motion to adjourn the meeting. Board Member Rogan seconded the motion. All in favor and meeting adjourned at 9:30 p.m.